

REMARKS/ARGUMENTS

Claims 1-31 are pending in this application. It is noted with appreciation that claims 1-13, 19-21, and 24-26 have been allowed and that claim 30 is deemed to be directed toward allowable subject matter. Claims 14-18, 22, 23, 27-29, and 31 have been rejected. In the present response, claims 1 and 27 have been amended. Reconsideration and allowance of all pending claims are respectfully requested. A supplemental IDS is being submitted herewith.

Claim 1 has been objected to due to a minor informality. The present response amends claim 1 to correct accordingly. The objection should therefore be withdrawn and the Examiner is thanked for his attention to detail.

Claims 27-29 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,460,088 issued to Merchant (hereinafter "Merchant"). To clarify the scope of claims 27-29, claim 27 has been amended to recite determining if the test VLAN is acceptable "**for spanning tree processing.**" Merchant neither discloses nor suggests determining the acceptability of a test VLAN "**for spanning tree processing.**" Accordingly, claim 27, as amended, is allowable. Claims 28-29 are allowable for at least the reason of their dependence from claim 27.

Claims 14-18, 22, and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,751,967 issued to Raab, et al. (hereinafter "Raab") in view of U.S. Patent No. 5,878,232 issued to Marimuthu (hereinafter "Marimuthu"). It is respectfully submitted that this rejection is improper and should be withdrawn.

The Raab patent discloses schemes for automatic configuration of virtual local area networks. The Marimuthu patent discloses merger of potential conflicting virtual local area networks. A spanning tree procedure is used to identify root identifiers and root ports of virtual local area networks for the purpose of identifying merger candidates.

A prima facie obviousness rejection requires 1) some suggestion to modify or combine reference teachings, 2) a reasonable expectation of success, and 3) the prior art references must teach or suggest all the claim limitations. The obviousness rejection here meets none of these criteria.

Taking requirement 3) first, the rejection does not identify disclosure or suggestion of all the claimed features in the references. For example, claim 14 recites “associating a spanning tree to the test VLAN if the test VLAN intersects entirely with one of the other VLANs.” Claim 22 recites a similar limitation. None of the Figures and text segments identified in the rejection as corresponding to this limitation actually provide any relevant disclosure or suggestion. The referenced flowchart steps 1516 and 1518 refer to matching of policies rather than identification of intersecting VLANs. The steps 1602 and 1606 refer to how devices in the same VLAN are handled if they belong to the same “cluster” or same “host module,” groupings that are not pertinent to the present invention. The various cited text segments is also directed to either policy matching, clusters, or host modules. No disclosure or suggestion of the “associating” limitation has been identified in the cited references. This alone is sufficient basis for the allowability of claims 14 and 22.

Claim 16 recites “associating a new spanning tree to the test VLAN if the test VLAN is completely distinct from all the other VLAN assignments.” Claim 23 includes a similar limitation. The citation of disclosure in Raab for this feature is also not on point. Steps 1504, 1506, and 1512 refer to policy matching. Steps 1602 and 1606, as previously mentioned, refer to clusters and host modules. No disclosure or suggestion of this “associating” limitation has been identified. This is sufficient basis for allowability of claims 16 and 23.

The other requirements of a prima facie case of obviousness have also not been met. No suggestion to combine has been identified. The cited text at column 1 of Marimuthu merely introduces spanning tree concepts but does not suggest or motivate a combination of the VLAN configuration methods found in each reference. The undersigned, in fact, does not see how the merger-based techniques of VLAN configuration taught by Marimuthu would even fit within the

configuration procedures outlined by Raab. The two techniques should not simply be cobbled together. Also, the rejection does not explain why one would expect success from combining these techniques.

Claims 14, 16, 22, and 23 are thus allowable over the art of record. Claims 15 and 17-18 are allowable for at least the reason of their dependence from the parent claims.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,



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